



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,817	04/19/2005	Toshiyuki Fukushima	MTS-3550US	3849
23122	7590	03/11/2011		
RATNERPRESTIA			EXAMINER	
P.O. BOX 980			SHEN, KEZZHEN	
VALLEY FORGE, PA 19482				
			ART UNIT	PAPER NUMBER
			2627	
			MAIL DATE	DELIVERY MODE
			03/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/531,817

Applicant(s)

FUKUSHIMA ET AL.

Examiner

KEZHEN SHEN

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-944)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 17 – 21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 17 – 18, 20 – 22 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsuda et al. US 6,799,242 B1.

Regarding claim 17, Tsuda et al. teach a replaying apparatus, comprising: a drive device configured to house an optical disk (2 of Fig. 1, Col 1 Lines 24 – 32, optical disc player), a control device (8 of Fig. 1, Col 1 Lines 23 – 24, control microcomputer) connected to said drive device (100 of Fig. 1, Col 1 Lines 19 - 22), and said control device is connected to said drive device, (8 and 100 of Fig. 1) and a bus through which said control device is connected to said drive device (Fig. 1, Col 1 Lines 58 – 65, Col 2 Lines 35 - 40), wherein said drive device has: a first memory which is a volatile buffer memory (7 of Fig. 1, Col 1 Lines 47 – 49, buffer RAM); a calculation unit configured to calculate information for adjustment processing of the housed optical disk (8 of Fig. 1,

Col 1 Lines 60 – 65, Col 1 Line 66 – Col 2 Line 4); a calculated information recording unit configured to record the calculated information for adjustment processing as a first adjustment information in said first memory (8 and 7 of Fig. 1, Col 1 Lines 60 – 65, Col 1 Line 66 – Col 2 Line 4); a calculated information transmitting unit configured to transmit the calculated information for adjustment processing to said control device (8 of Fig. 1, Col 1 Lines 60 – 65, Col 1 Line 66 – Col 2 Line 4); an acquiring unit (8 of Fig. 1, Col 1 Lines 60 – 65, Col 1 Line 66 – Col 2 Line 4); a buffer recording unit (8 of Fig. 1, Col 1 Lines 60 – 65, Col 1 Line 66 – Col 2 Line 4); an optical disk control unit (3 of Fig. 1, Col 1 Lines 24 – 28); and said control device has: a second memory (132 of Fig. 6, Col 7 Lines 3 – 5), a memory recording unit configured to acquire an information for adjustment processing of the optical disk housed in said drive device and record the acquired information in said second memory (56 of Fig. 7, Col 7 Lines 23 - 24); and a transmitting unit (8 of Fig. 1, Col 1 Lines 60 – 65, Col 1 Line 66 – Col 2 Line 4), wherein, when recording or replaying in said drive device is resumed after supply of power to said drive device is suspended while the supply of power to said control device is maintained (Col 8 Lines 11 - 25) said transmitting unit transmits, to said drive device, the information for adjustment processing in the case that the information for adjustment processing is recorded in said second memory (Col 8 Lines 19 - 25), said acquiring unit acquires the information for adjustment processing transmitted from said control device (Col 8 Lines 12 - 25), and said buffer recording unit records the acquired information for adjustment processing as a second adjustment information in said first memory (244 of Fig. 7, Col 7 Lines 57 - 62, Col 8 Lines 19 – 25) and, wherein said optical disk control

unit is configured to control the housed optical disk according to the first adjustment information or the second adjustment information recorded in said first memory (3 of Fig. 1, Col 5 Lines 40 - 45, Col 1 Lines 24 - 29).

Regarding claim 18, Tsuda et al. teach the replaying apparatus according to claim 17, wherein, said optical disk control unit of said control device controls a recording or replaying of the housed optical disk according to the first adjustment information or the second adjustment information (3 of Fig. 1, Col 5 Lines 40 - 45, Col 1 Lines 24 - 29).

Regarding claim 20, the limitations have been analyzed and rejected with respect to the reasons as set forth above in claim 18.

Regarding claims 21, Tsuda et al. teach the replaying apparatus according to claim 17, wherein, said control device is configured to control said drive device to supply power to said first memory (7 of Fig. 1, Col 4 Lines 16 - 20), and said transmitting unit is configured to transmit the information for adjustment processing to said acquiring unit which is then recorded in said first memory (8 of Fig. 1, Col 1 Lines 60 - 65, Col 1 Line 66 - Col 2 Line 4).

Regarding claims 22, and 26, the limitations have been analyzed and rejected with respect to the reasons as set forth above in claims 17 and 18.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 19, 23-25 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuda et al. US 6,799,242 B1., and further in view of Sakuramoto et al. US 2002/0126993 A1.

Regarding claims 19, 24, and 28, the limitations have been analyzed and rejected with respect to the reasons as set forth above in claims 17 and 18. Tsuda et al. fail to teach the limitation of acquiring and transmitting identification information regarding the disc.

However, Sakuramoto et al. does. Sakuramoto teach a system of obtaining disc id when the disc is inserted into the disc drive (S41 and S42 of Fig. 4, [0138], [0141] – [0143], [0148]). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of the acquiring and transmitting units of the drive device as taught by Tsuda et al. with the teachings of including disc id with the reproduction information as taught by Sakuramoto et al., as a whole, to include identification information with adjustment information for the benefit of determining the identity of the disc for reproduction instructions (Sakuramoto et al. [0007]).

Regarding claim 23, Tsuda et al. fail to teach the replaying apparatus according to claim 22, wherein a supply of power to the drive device is suspended when the drive device is in the standby state.

However, Sakuramoto et al. does. Sakuramoto teach a system of recording information in memory in the event of a power failure or a supply is turned off ([0136]).

Therefore, it would have been obvious to one of ordinary skill in the art the combine the teachings of the lower power consumption (Tsuda et al. Col 6 Lines 25 – 38) as taught by Tsuda et al. with the teachings of suspending a power during a power off mode as taught by Sakuramoto et al., as a whole, to include identification information with adjustment information for the benefit of preparing for an event such as a power failure or erroneously turning off the power (Sakuramoto et al. [0010]).

Regarding claims 25, 27 and 29, the limitations have been analyzed and rejected with respect to the reasons as set forth above in claim 23.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEZHEN SHEN whose telephone number is (571)270-1815. The examiner can normally be reached on 10am-6pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kezhen Shen/
Examiner, Art Unit 2627

/Joseph H. Feild/
Supervisory Patent Examiner, Art
Unit 2627